AMENDMENTS TO THE CLAIMS

The listing of claims will replace all prior versions and listings of claims in the application. The listing of claims presents each claim with its respective status shown in parentheses.

By this Amendment, Appellant is cancelling Claims 9, 10, 15, 19, 20, 22–24 and 26 without prejudice or disclaimer. Claims 1, 2, 5, 6 and 11–14 remain as previously presented or as originally filed. Claims 3, 4, 7, 8, 16–18, 21 and 25 were previously cancelled.

1. **(Previously Presented)** A method for transferring data in a multi-tiered storage system, the method comprising:

performing a first backup copy of data stored in a data source, wherein said performing of the first backup copy further comprises:

dividing the data in the data source into at least a first portion of data and a second portion of data, the data comprising multiple file types, and

transferring the first and second portions of data from the data source to a first storage medium and a second storage medium using a first data stream and a second data stream respectively to create the first backup copy of the data;

identifying the multiple file types of data in the first and second portions of data;

determining based at least upon the file types if the first portion of data and the second portion of data in the first backup copy can be combined;

if the first portion of data and the second portion of data can be combined, performing a second backup copy of the first and second portions of data, wherein the second backup copy saves the first and second portions of

data in a combined format, wherein the performing of the second backup copy comprises:

transferring the first and second portions of the first backup copy of the data from the first and second storage mediums to a third storage medium by combining data streams from the first and second storage mediums, and

storing on the third storage medium, the additional copies of the data by storing in a combined format, the first and second portions of the first backup copy to create the second backup copy; and

restoring the first portion of data to the data source by retrieving the first portion of data from the combined format of the second backup copy.

2. **(Original)** The method as recited in claim 1, wherein the transfer from the first and second storage medium to the third storage medium is performed in chunks.

3. **(Canceled)**

4. **(Canceled)**

5. **(Original)** The method as recited in claim 1, wherein the transfer using the third data stream is performed based on a client identification of the first and second portion of data.

6. **(Original)** The method as recited in claim 1, wherein the transfer using the third data stream is performed based on respective stream numbers of the first and second streams.

7.–10. **(Canceled)**

11. **(Previously Presented)** A recording medium in a storage system with data stored thereon, the data produced by:

copying data from a data source to a plurality of storage media, wherein said copying comprises

splitting the data source data into at least a first and a second portion,

transferring the first portion to a first storage medium using a first stream,

transferring the second portion to a second storage medium using a second stream;

identifying file types of data in the first and second portions of data;

determining, based upon the file types, whether or not the first portion and the second portion are combinable into one or more data streams; and

transferring the first and second portion of data from the first and second storage medium to a third storage medium using a third combined data stream to create additional copies of the first and second portions of data wherein the additional copies store the first and second portions of data in a combined format; and

restoring the first portion of data by retrieving the first portion of data from the combined format of the additional copies stored in the third storage medium.

12. **(Previously Presented)**   A method for transferring data in a storage system, the method comprising:

dividing a data source into at least a first and a second portion of data;

transferring the first and second portion of data from the data source to a first number of pieces of storage media;

accessing user input regarding whether the first and second portions of data should be combined;

determining if the first portion of data and the second portion of data are combinable based upon files types contained in the first and second portions of data; and

transferring the first and second portion of data from the first number of pieces of storage media to a second number of pieces of storage media, the second number being less than the first number to create additional copies of the first and second portions of data wherein the additional copies store the first and second portions of data in a combined format; and

restoring the first portion of data by retrieving the first portion of data from the combined format of the additional copies stored in the second number of pieces of storage media.

13. **(Previously Presented)** The method of Claim 1, additionally comprising providing a user notification if the first portion of data and the second portion of data cannot be combined.

14. **(Previously Presented)** The method of Claim 1, wherein the first portion of data is associated with a first application and the second portion of data is associated with a second application.

15.– 26. **(Canceled)**